

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 52-61 are added, no claims are amended, and claims 1-12, 19-29, 34-51 are canceled (claims 13-18 and 30-33 were previously canceled). As a result, claims 52-61 are now pending in the application. Support for the newly added claims can be found throughout the disclosure, for example, pages 7-8 and 11-12 of the specification.

In the final Office Action of April 22, 2008, claims 1-6, 19-29, 34-40, 43-48 and 50-51 were rejected under 35 U.S.C. §102(e) in view of U.S. Patent 6,539,548 (Hendricks '548). Claims 7-12, 41-42 and 49 were rejected under 35 U.S.C. §103(a) in view of Hendricks '548 further in view of U.S. Patent 5,734,589 (Kostreski).

Since the previously pending claims have now been canceled and a new claim set is provided herein, these rejections are obviated. A full examination on the merits is respectfully requested.

New Claims

The pending claims define various features of managing favorite channels through the use of a *user specified theme* rather than usage-based (or frequency based) channel selection. For example, claims 52 and 62 each recite “receiving inputs from a user specifying a theme for the favorite channels” and “searching available channels for content matching the theme.” It is respectfully submitted that the prior art does not teach or suggest these features. The art of record—notably the Hendricks '548 patent including documents incorporated therein by

reference—pertains to usage-based favorites lists. A usage-based favorites list is created by having the system monitor the usage habits of the user in order to determine channels for the favorites list. The favorites lists of the Hendricks patents are usage-based rather than theme based. A frequency-based favorites list differs from a theme-based favorites list. For a theme-based favorites list the user specifies the type of events that the user wishes to include in the list and the system determines what channels are showing an event of that type and includes those channels on the theme-based favorites list independent of the user's usage habits. This may be done, for example, by allowing the user to select keywords to be used in a user specified theme. In this way the keywords of the user specified theme can be matched to the programming content descriptions of upcoming events. It is respectfully submitted that the prior art does not teach or suggest a favorite channels list relating to a user specified theme as defined in the claims now pending in the application.

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that the RCE Transmittal attends to the required fees, and no extension of time is required for this filing. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571)970-6835 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson
Reg. No. 43,436

The Brevetto Law Group, PLLC
107 S. West Street, #765
Alexandria, Virginia 22314
telephone: (571)970-6835

Date: July 2, 2008